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1735 Jersey Ave LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

1735 JERSEY AVE LLC,

Plaintiff,

v.

LUXE LIVING DESIGN, LLC,

Defendants.

HON. MICHAEL A. SHIPP, U.S.D.J.,
HON. TONIANNE J. BONGIOVANNI,
U.S.M.J.

CIVIL ACTION NO. 3:24-CV-06175 (MAS)
(TJB)

Return Date: June 17, 2024

**DECLARATION OF JOSEPH
SAADIA IN SUPPORT OF
PLAINTIFF'S MOTION FOR
REMAND**

I, JOSEPH SAADIA, hereby certify under penalties of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an officer of Plaintiff, 1735 Jersey Ave LLC ("Landlord"). I submit this declaration based upon my personal knowledge and in support of Landlord's motion seeking to remand this action to the Superior Court of New Jersey, Middlesex County, Special Civil Part, Landlord/Tenant Division ("L/T Court").

2. On or about December 15, 2023, Defendant, Luxe Living Design, LLC ("Tenant"), took possession of certain real property located at 1735 Jersey Avenue, North Brunswick, NJ (the "Premises") pursuant to a written agreement between Landlord and Tenant (the "Lease").

3. The Lease requires, among other things, for Tenant to remit base rent and additional rent each and every month.

4. Tenant refused, and continues to refuse, to pay monies due and owing under the Lease's terms.

5. When Landlord demanded Tenant pay sums due and owing under the Lease, Tenant refused on the basis that Tenant has been unable to occupy the Premises.

6. Attached hereto as **Exhibit A** are true and accurate copies of photographs taken in February 2024, which accurately depict the interior of the Premises when taken.

7. Attached hereto as **Exhibit B** are true and accurate copies of photographs taken on or about May 20, 2024, which accurately depict the interior of the Premises when taken.

8. These photographs demonstrate that Tenant historically had, and continues to have, full use of the Premises and has no excuse for failing to pay rent.

9. Landlord commenced this action solely for the purpose of recapturing possession of the Premises from Tenant.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 24, 2024



Joseph Saadia